

C.O.D. 8/5/03

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
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TEXAS-EASTERN

BY: *[Signature]*

BROADCOM CORPORATION,  
  
Plaintiff and  
Counter Defendant,

Civil Action No. 5:01CV302

v.

INTEL CORPORATION,  
  
Defendant and  
Counter Plaintiff.

**ORDER OF FINAL JUDGMENT**

In accordance with Rules 54(b) and 58 of the Federal Rules of Civil Procedure, it is hereby

ORDERED that the Court's Order of July 7, 2003 [Docket # 448] granting Intel's motions for summary judgment of non-infringement of U.S. Patent No. 5,963,210 and U.S. Patent No. 6,189,064 shall be a final judgment of Broadcom's claims of infringement and Intel's counterclaims for declaratory judgment of non-infringement regarding those patents;

ORDERED that the Court's Order of July 7, 2003 [Docket # 448] granting Broadcom's motion for summary judgment of invalidity regarding U.S. Patent No. 5,944,804 and U.S. Patent No. 6,122,681 shall be a final judgment of Intel's claims of infringement and Broadcom's counterclaims for declaratory judgment of invalidity regarding those patents;

ORDERED that the Court's Order signed on June 13, 2003 [Docket # 418] granting Broadcom's unopposed partial Motion for Summary Judgment of Noninfringement With Respect to Certain '659 Accused Products shall be a final judgment of Intel's claims of infringement and Broadcom's counterclaims for declaratory judgment of non-infringement of U.S. Patent No. 6,285,659 by the products enumerated in that Order;

ORDERED that all other judgments in the Court's Orders of July 7, 2003 [attached hereto as Ex. A] and June 13, 2003 [Docket # 418] are hereby made final under Rules 54(b) and 58 of the Federal Rules of Civil Procedure; and

ORDERED that the parties shall prepare and execute a confidential formal settlement agreement consistent with the foregoing orders and in which (a) both parties waive any right of appeal they may otherwise have from this order of Final Judgment; (b) Intel waives its right to seek damages for any alleged infringement by Broadcom of the '659 patent that occurred before July 11, 2003; and (c) both parties dismiss *without prejudice* any remaining claims for infringement and counterclaims for declaratory judgment of non-infringement and/or invalidity relating to the '659 patent.

It is further ORDERED that each party shall bear its own fees and expenses in connection with this action.

SIGNED this 4<sup>th</sup> day of Aug., 2003.



The Honorable David Folsom  
United States District Judge

E.O.D. 7/7/03 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JUL 7 2003

DAVID J. MALAND, CLERK  
BY [Signature]  
DEPUTY

BROADCOM CORPORATION

v.

INTEL CORPORATION

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5:01-CV-302

**ORDER**

Now before the Court are competing motions filed by both parties seeking summary judgment. Also before the Court are related motions to strike and evidentiary objections. It is

ORDERED that, as to Intel's Motions:

1. Intel's Motion for Partial Summary Judgment of Non-Infringement of U.S. Patent 6,189,064 [Docket No. 361] is GRANTED;

2. Intel's Motion for Partial Summary Judgment of Non-Infringement of U.S. Patent 5,963,210 [Docket No. 356] is GRANTED;

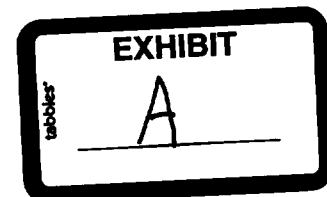
3. Intel's Motion to Strike the Supplemental Expert Report of Dr. James D. Foley Regarding the '064 Patent [Docket No. 363] is DENIED; and

4. Intel's Motion to Strike the Supplemental Expert Report of Dr. James D. Foley Regarding the '210 Patent [Docket No. 362] is DENIED.

Furthermore, it is

ORDERED that, as to Broadcom's motions:

1. Broadcom's Motion for Partial Summary Judgment that the Broadcom Patents in Suit Were Not Obtained Through Inequitable Conduct [Docket No. 374] is GRANTED;



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2. Broadcom's Motion for Partial Summary Judgment on Intel's '804 and '681 Patents [Docket No. 375] is GRANTED;

3. Broadcom's Motion for Partial Summary Judgment that the Intel 810 Chipset is not an On-Sale Bar to the Validity of U.S. Patent No. 6,189,064 [Docket No. 370] is GRANTED;


4. Broadcom's Evidentiary Objections to, and Motion to Strike, the Declarations of Garrett Chambers and Thomas A. Piazza Filed in Support of Intel's Motion for Partial Summary Judgment of Non-Infringement of U.S. Patent No. 5,963,210 [Docket No. 373] is DENIED;

5. Broadcom's motions under FED. R. CIV. P. 56(f) are DENIED; and

6. Broadcom's Motion for Leave to Amend Responses to Requests for Admission [Docket No. 355] is GRANTED.

This is not a final judgment. A written opinion addressing the grounds for these rulings will follow within fourteen (14) days of the issuance of this Order.

SIGNED AND ORDERED this <sup>ch</sup>7 day of July, 2003.

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE